

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Disaster Relief Act is amended by changing
5 Section 3 as follows:

6 (15 ILCS 30/3) (from Ch. 127, par. 293.3)

7 Sec. 3. Whenever funds regularly appropriated to the State
8 and local governmental bodies for disaster response and
9 recovery are insufficient to provide services, and when the
10 Governor has declared a disaster by proclamation in accordance
11 with Section 7 of the Illinois Emergency Management Agency Act
12 or any successor Act, the Governor may draw upon the Disaster
13 Response and Recovery ~~Relief~~ Fund in order to provide services
14 or to reimburse local governmental bodies furnishing services.
15 The fund may be used for the payment of emergency employees,
16 for the payment of the Illinois National Guard when called to
17 active duty, for disaster-related expenses of State Agencies
18 and Departments, and for the emergency purchase or renting of
19 equipment and commodities. The fund shall be used for
20 furnishing emergency services and relief to the disaster area
21 as a whole and shall not be used to provide private relief to
22 persons sustaining property damages or personal injury as a
23 result of a disaster.

1 (Source: P.A. 87-168.)

2 Section 10. The Illinois Emergency Management Agency Act is
3 amended by changing Sections 5, 8, and 9 as follows:

4 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

5 Sec. 5. Illinois Emergency Management Agency.

6 (a) There is created within the executive branch of the
7 State Government an Illinois Emergency Management Agency and a
8 Director of the Illinois Emergency Management Agency, herein
9 called the "Director" who shall be the head thereof. The
10 Director shall be appointed by the Governor, with the advice
11 and consent of the Senate, and shall serve for a term of 2
12 years beginning on the third Monday in January of the
13 odd-numbered year, and until a successor is appointed and has
14 qualified; except that the term of the first Director appointed
15 under this Act shall expire on the third Monday in January,
16 1989. The Director shall not hold any other remunerative public
17 office. The Director shall receive an annual salary as set by
18 the Compensation Review Board.

19 (b) The Illinois Emergency Management Agency shall obtain,
20 under the provisions of the Personnel Code, technical,
21 clerical, stenographic and other administrative personnel, and
22 may make expenditures within the appropriation therefor as may
23 be necessary to carry out the purpose of this Act. The agency
24 created by this Act is intended to be a successor to the agency

1 created under the Illinois Emergency Services and Disaster
2 Agency Act of 1975 and the personnel, equipment, records, and
3 appropriations of that agency are transferred to the successor
4 agency as of the effective date of this Act.

5 (c) The Director, subject to the direction and control of
6 the Governor, shall be the executive head of the Illinois
7 Emergency Management Agency and the State Emergency Response
8 Commission and shall be responsible under the direction of the
9 Governor, for carrying out the program for emergency management
10 of this State. The Director shall also maintain liaison and
11 cooperate with the emergency management organizations of this
12 State and other states and of the federal government.

13 (d) The Illinois Emergency Management Agency shall take an
14 integral part in the development and revision of political
15 subdivision emergency operations plans prepared under
16 paragraph (f) of Section 10. To this end it shall employ or
17 otherwise secure the services of professional and technical
18 personnel capable of providing expert assistance to the
19 emergency services and disaster agencies. These personnel
20 shall consult with emergency services and disaster agencies on
21 a regular basis and shall make field examinations of the areas,
22 circumstances, and conditions that particular political
23 subdivision emergency operations plans are intended to apply.

24 (e) The Illinois Emergency Management Agency and political
25 subdivisions shall be encouraged to form an emergency
26 management advisory committee composed of private and public

1 personnel representing the emergency management phases of
2 mitigation, preparedness, response, and recovery. The Local
3 Emergency Planning Committee, as created under the Illinois
4 Emergency Planning and Community Right to Know Act, shall serve
5 as an advisory committee to the emergency services and disaster
6 agency or agencies serving within the boundaries of that Local
7 Emergency Planning Committee planning district for:

8 (1) the development of emergency operations plan
9 provisions for hazardous chemical emergencies; and

10 (2) the assessment of emergency response capabilities
11 related to hazardous chemical emergencies.

12 (f) The Illinois Emergency Management Agency shall:

13 (1) Coordinate the overall emergency management
14 program of the State.

15 (2) Cooperate with local governments, the federal
16 government and any public or private agency or entity in
17 achieving any purpose of this Act and in implementing
18 emergency management programs for mitigation,
19 preparedness, response, and recovery.

20 (2.5) Develop a comprehensive emergency preparedness
21 and response plan for any nuclear accident in accordance
22 with Section 65 of the Department of Nuclear Safety Law of
23 2004 (20 ILCS 3310) and in development of the Illinois
24 Nuclear Safety Preparedness program in accordance with
25 Section 8 of the Illinois Nuclear Safety Preparedness Act.

26 (2.6) Coordinate with the Department of Public Health

1 with respect to planning for and responding to public
2 health emergencies.

3 (3) Prepare, for issuance by the Governor, executive
4 orders, proclamations, and regulations as necessary or
5 appropriate in coping with disasters.

6 (4) Promulgate rules and requirements for political
7 subdivision emergency operations plans that are not
8 inconsistent with and are at least as stringent as
9 applicable federal laws and regulations.

10 (5) Review and approve, in accordance with Illinois
11 Emergency Management Agency rules, emergency operations
12 plans for those political subdivisions required to have an
13 emergency services and disaster agency pursuant to this
14 Act.

15 (5.5) Promulgate rules and requirements for the
16 political subdivision emergency management exercises,
17 including, but not limited to, exercises of the emergency
18 operations plans.

19 (5.10) Review, evaluate, and approve, in accordance
20 with Illinois Emergency Management Agency rules, political
21 subdivision emergency management exercises for those
22 political subdivisions required to have an emergency
23 services and disaster agency pursuant to this Act.

24 (6) Determine requirements of the State and its
25 political subdivisions for food, clothing, and other
26 necessities in event of a disaster.

1 (7) Establish a register of persons with types of
2 emergency management training and skills in mitigation,
3 preparedness, response, and recovery.

4 (8) Establish a register of government and private
5 response resources available for use in a disaster.

6 (9) Expand the Earthquake Awareness Program and its
7 efforts to distribute earthquake preparedness materials to
8 schools, political subdivisions, community groups, civic
9 organizations, and the media. Emphasis will be placed on
10 those areas of the State most at risk from an earthquake.
11 Maintain the list of all school districts, hospitals,
12 airports, power plants, including nuclear power plants,
13 lakes, dams, emergency response facilities of all types,
14 and all other major public or private structures which are
15 at the greatest risk of damage from earthquakes under
16 circumstances where the damage would cause subsequent harm
17 to the surrounding communities and residents.

18 (10) Disseminate all information, completely and
19 without delay, on water levels for rivers and streams and
20 any other data pertaining to potential flooding supplied by
21 the Division of Water Resources within the Department of
22 Natural Resources to all political subdivisions to the
23 maximum extent possible.

24 (11) Develop agreements, if feasible, with medical
25 supply and equipment firms to supply resources as are
26 necessary to respond to an earthquake or any other disaster

1 as defined in this Act. These resources will be made
2 available upon notifying the vendor of the disaster.
3 Payment for the resources will be in accordance with
4 Section 7 of this Act. The Illinois Department of Public
5 Health shall determine which resources will be required and
6 requested.

7 (11.5) In coordination with the Department of State
8 Police, develop and implement a community outreach program
9 to promote awareness among the State's parents and children
10 of child abduction prevention and response.

11 (12) Out of funds appropriated for these purposes,
12 award capital and non-capital grants to Illinois hospitals
13 or health care facilities located outside of a city with a
14 population in excess of 1,000,000 to be used for purposes
15 that include, but are not limited to, preparing to respond
16 to mass casualties and disasters, maintaining and
17 improving patient safety and quality of care, and
18 protecting the confidentiality of patient information. No
19 single grant for a capital expenditure shall exceed
20 \$300,000. No single grant for a non-capital expenditure
21 shall exceed \$100,000. In awarding such grants, preference
22 shall be given to hospitals that serve a significant number
23 of Medicaid recipients, but do not qualify for
24 disproportionate share hospital adjustment payments under
25 the Illinois Public Aid Code. To receive such a grant, a
26 hospital or health care facility must provide funding of at

1 least 50% of the cost of the project for which the grant is
2 being requested. In awarding such grants the Illinois
3 Emergency Management Agency shall consider the
4 recommendations of the Illinois Hospital Association.

5 (13) Do all other things necessary, incidental or
6 appropriate for the implementation of this Act.

7 (g) The Illinois Emergency Management Agency is authorized
8 to make grants to various higher education institutions for
9 safety and security improvements. For the purpose of this
10 subsection (g), "higher education institution" means a public
11 university, a public community college, or an independent,
12 not-for-profit or for-profit higher education institution
13 located in this State. Grants made under this subsection (g)
14 shall be paid out of moneys appropriated for that purpose from
15 the Build Illinois Bond Fund. The Illinois Emergency Management
16 Agency shall adopt rules to implement this subsection (g).
17 These rules may specify: (i) the manner of applying for grants;
18 (ii) project eligibility requirements; (iii) restrictions on
19 the use of grant moneys; (iv) the manner in which the various
20 higher education institutions must account for the use of grant
21 moneys; and (v) any other provision that the Illinois Emergency
22 Management Agency determines to be necessary or useful for the
23 administration of this subsection (g).

24 (h) Except as provided in Section 17.5 of this Act, any
25 moneys received by the Agency from donations or sponsorships
26 shall be deposited in the Emergency Planning and Training Fund

1 and used by the Agency, subject to appropriation, to effectuate
2 planning and training activities.

3 (Source: P.A. 96-800, eff. 10-30-09; 96-820, eff. 11-18-09;
4 96-1000, eff. 7-2-10.)

5 (20 ILCS 3305/8) (from Ch. 127, par. 1058)

6 Sec. 8. Mobile Support Teams.

7 (a) The Governor or Director may cause to be created Mobile
8 Support Teams to aid and to reinforce the Illinois Emergency
9 Management Agency, and emergency services and disaster
10 agencies in areas stricken by disaster. Each mobile support
11 team shall have a leader, selected by the Director who will be
12 responsible, under the direction and control of the Director,
13 for the organization, administration, and training, and
14 operation of the mobile support team.

15 (b) Personnel of a mobile support team while on duty
16 pursuant to such a call or while engaged in regularly scheduled
17 training or exercises, whether within or without the State,
18 shall either:

19 (1) If they are paid employees of the State, have the
20 powers, duties, rights, privileges and immunities and
21 receive the compensation incidental to their employment.

22 (2) If they are paid employees of a political
23 subdivision or body politic of this State, and whether
24 serving within or without that political subdivision or
25 body politic, have the powers, duties, rights, privileges

1 and immunities, and receive the compensation incidental to
2 their employment.

3 (3) If they are not employees of the State, political
4 subdivision or body politic, or being such employees, are
5 not normally paid for their services, be entitled to at
6 least one dollar per year compensation from the State.

7 Personnel of a mobile support team who suffer disease,
8 injury or death arising out of or in the course of emergency
9 duty, shall for the purposes of benefits under the Workers'
10 Compensation Act or Workers' Occupational Diseases Act only, be
11 deemed to be employees of this State. If the person diseased,
12 injured or killed is an employee described in item (3) above,
13 the computation of benefits payable under either of those Acts
14 shall be based on income commensurate with comparable State
15 employees doing the same type of work or income from the
16 person's regular employment, whichever is greater.

17 All personnel of mobile support teams shall, while on duty
18 under such call, be reimbursed by this State for all actual and
19 necessary travel and subsistence expenses.

20 (c) The State shall reimburse each political subdivision or
21 body politic from the Disaster Response and Recovery Relief
22 Fund for the compensation paid and the actual and necessary
23 travel, subsistence and maintenance expenses of paid employees
24 of the political subdivision or body politic while serving,
25 outside of its geographical boundaries pursuant to such a call,
26 as members of a mobile support team, and for all payments made

1 for death, disease or injury of those paid employees arising
2 out of and incurred in the course of that duty, and for all
3 losses of or damage to supplies and equipment of the political
4 subdivision or body politic resulting from the operations.

5 (d) Whenever mobile support teams or units of another
6 state, while the Governor has the emergency powers provided for
7 under Section 7 of this Act, render aid to this State under the
8 orders of the Governor of its home state and upon the request
9 of the Governor of this State, all questions relating to
10 reimbursement by this State to the other state and its citizens
11 in regard to the assistance so rendered shall be determined by
12 the mutual aid agreements or interstate compacts described in
13 subparagraph (5) of paragraph (c) of Section 6 as are existing
14 at the time of the assistance rendered or are entered into
15 thereafter and under Section 303 (d) of the Federal Civil
16 Defense Act of 1950.

17 (e) No personnel of mobile support teams of this State may
18 be ordered by the Governor to operate in any other state unless
19 a request for the same has been made by the Governor or duly
20 authorized representative of the other state.

21 (Source: P.A. 92-73, eff. 1-1-02.)

22 (20 ILCS 3305/9) (from Ch. 127, par. 1059)

23 Sec. 9. Financing.

24 (a) It is the intent of the Legislature and declared to be
25 the policy of the State that funds to meet disasters shall

1 always be available.

2 (b) It is the legislative intent that the first recourse
3 shall be to funds regularly appropriated to State and political
4 subdivision departments and agencies. If the Governor finds
5 that the demands placed upon these funds in coping with a
6 particular disaster are unreasonably great, the Governor may
7 make funds available from the Disaster Response and Recovery
8 ~~Relief~~ Fund. If monies available from the Fund are
9 insufficient, and if the Governor finds that other sources of
10 money to cope with the disaster are not available or are
11 insufficient, the Governor shall request the General Assembly
12 to enact legislation as it may deem necessary to transfer and
13 expend monies appropriated for other purposes or borrow, for a
14 term not to exceed 2 years from the United States government or
15 other public or private source. If the General Assembly is not
16 sitting in regular session to enact such legislation for the
17 transfer, expenditure or loan of such monies, and the President
18 of the Senate and the Speaker of the House certify that the
19 Senate and House are not in session, the Governor is authorized
20 to carry out those decisions, by depositing transfers or loan
21 proceeds into and making expenditures from the Disaster
22 Response and Recovery ~~Relief~~ Fund, until such time as a quorum
23 of the General Assembly can convene in a regular or
24 extraordinary session. The General Assembly shall, to the
25 extent moneys become available, restore moneys used from other
26 sources under this Section.

1 (c) Nothing contained in this Section shall be construed to
2 limit the Governor's authority to apply for, administer and
3 expend grants, gifts or payments in aid of disaster mitigation,
4 preparedness, response or recovery.

5 (Source: P.A. 92-73, eff. 1-1-02; 93-249, eff. 7-22-03.)

6 Section 15. The Emergency Management Assistance Compact
7 Act is amended by adding Section 10 as follows:

8 (45 ILCS 151/10 new)

9 Sec. 10. Reimbursements and expenses. The Illinois
10 Emergency Management Agency as the authorized representative
11 of the State may use the Disaster Response and Recovery Fund to
12 deposit any reimbursements received from a party state and to
13 pay any expenses incurred relating to this Act.

14 Section 20. The Illinois Emergency Planning and Community
15 Right to Know Act is amended by changing Section 18 as follows:

16 (430 ILCS 100/18) (from Ch. 111 1/2, par. 7718)

17 Sec. 18. Penalties.

18 (a) Any person who violates any requirement of Section 9,
19 10, 11, 12, or 14 of this Act shall be liable for a civil
20 penalty in an amount not to exceed \$25,000 for each violation.
21 In the case of a second or subsequent violation of Section 10,
22 the civil penalty shall not exceed \$75,000 for each day during

1 which the violation continues.

2 (b) Any person who knowingly fails to provide immediate
3 notification of a release in violation of Section 10 of this
4 Act, shall be guilty of a Class 4 felony, and in addition to
5 any other penalty prescribed by law is subject to a fine not to
6 exceed \$25,000 for each day of the violation. In the case of a
7 second or subsequent conviction, the person shall be guilty of
8 a Class 3 felony, and in addition to any other penalty
9 prescribed by law is subject to a fine not to exceed \$50,000
10 for each day of the violation.

11 (c) All civil penalties and fines collected under this
12 Section shall be deposited in the Emergency Planning and
13 Training Fund, which ~~that~~ is hereby created as a special fund
14 in the State Treasury, and may ~~shall~~ be used by IEMA, pursuant
15 to appropriation, for its activities arising under this Act and
16 the Federal Act, including providing financial support for
17 local emergency planning committees and for training
18 initiatives authorized by IEMA.

19 (Source: P.A. 86-449; 87-168.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.